

CONCLUSIONS OF LAW AND OPINION:

Based on the Findings of Fact and the evidence of record, the Board concludes that the applicant is seeking a use variance, the granting of which requires proof of a hardship that is inherent in the property itself which would preclude the use of that property for purposes for which it is zoned. The Board concludes that there is no evidence of such hardship contained in the record. The Board concludes that the applicant's request is based on a personal desire to provide recreation for area residents and that he has not met his burden of proof. The Board notes that the applicant is presently operating a variety/novelty store at the subject site in conformance with the existing zoning.

The Board further concludes that the variance cannot be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan. The Board concludes that it has accorded to the ANC the "great weight" to which it is entitled. Accordingly, it is ORDERED that the application be DENIED.

VOTE: 4-0 (Walter B. Lewis, William F. McIntosh, Carrie L. Thornhill and Charles R. Norris to deny; Douglas J. Patton not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


STEVEN E. SHER
Executive Director

MAR 11 1983

FINAL DATE OF ORDER: _____

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

13838order/BETTY4